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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,629

11/17/2003

Frederic Boutaud

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55740

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11/06/2006

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EXAMINER

LAI, VINCENT

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/715,629	Applicant(s) BOUTAUD, FREDERIC	
	Examiner Vincent Lai	Art Unit 2181	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____


FRITZ FLEMING
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100
11/3/2006

DETAILED ACTION

Response to Request for Reconsideration

The following is a response in regards to the remarks submitted on 24 October, 2006 regarding U.S. Patent Application Serial Number 10/715,629.

Applicant did not amend claims thus no new claims will be entered.

In regards to the arguments presented:

Arguments on Claim 1:

Applicant argues, "Examiner states that it is the Examiner's interpretation of the teachings of Morley that provides the basis for the Examiner' s allegation that "the number of unified access [sic] **can be** determined and three unified accesses **is** [sic] **possible**." [Emphasis added.] The Examiner has failed to provide any technical or factual basis to support the Examiner's allegation that Morley teaches determining if the fetched program instruction would require three unified memory accesses during a single instruction cycle for proper execution of the fetched program instruction. Anticipation is based what is taught by the reference, not the Examiner' s speculation of the teaching may or may not be able to do."

Examiner was merely showcasing a scenario allowed by Morley in which three unified accesses are necessary. The independent claim 1 is directed to a determination of if an instruction would require three unified memory accesses, and thus not all instructions would require three unified memory accesses. This means it is possible for instructions to have various number of memory unified accesses. Examiner was highlighting a case when three unified accesses are done and thus having three unified memory accesses is possible. Applicant has misconstrued the Examiner's use of the term "can be". What was meant was the system has the capability to perform a determination if a request for a determination is made.

Applicant argues, "In other words, the Examiner has apparently relied upon the teachings of the Applicant's specification to find anticipation."

Examiner disagrees with assertion of Applicant. Examiner was merely pointing out that Applicant's dummy access performs a fetch and thus the dummy access is not so much as a no-op but a means for performing memory updates (See page 8, lines 26-28 of the Specification), which is also what Morley does. Examiner is rejecting the actual implementation of a dummy access and not merely an implied action (or implied lack of action) associated with the name of the action.

Applicant argues that one read to memory is done when a read operation is done.

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Examiner admits figure 28 only shows one read to memory; however, Examiner when Examiner wrote, "On a read, there is two reads done", Examiner had intended explanation to mean that when one set of reads in parallel, two reads are done at once. This would thus mean two memory accesses are done (and in conjunction with the dummy access would total three memory accesses).

Arguments on Claims 6, 9, and 13:

Please refer to above explanations on "Arguments on Claim 1."

Examiner is not persuaded by arguments and thus rejection will not be withdrawn.

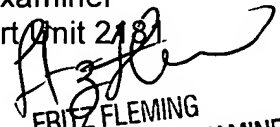
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Lai whose telephone number is (571) 272-6749. The examiner can normally be reached on M-F 8:00-5:30 (First BiWeek Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz M. Fleming can be reached on (571) 272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

vi
November 2, 2006

Vincent Lai
Examiner
Art Unit 2181

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11/3/2006